

UNITED STATES DISTRICT COURT

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for

Eastern District of Washington

Jan 02, 2024

SEAN F. MCAVOY, CLERK

U.S.A. vs.

Fisher, Joshua

Docket No.

0980 2:23CR00002-RMP-1

Petition for Action on Conditions of Pretrial Release

COMES NOW Erik Carlson, PRETRIAL SERVICES OFFICER, presenting an official report upon the conduct of defendant Joshua Fisher, who was placed under pretrial release supervision by the Honorable U.S. Magistrate Judge Alexander C. Ekstrom, sitting in the Court at Yakima, Washington, on the 9th day of May 2023 (ECF No. 183), as well as by the Honorable James A. Goeke, on the 6th day of June 2023 (ECF No. 245), under the following conditions:

Violation #1 (ECF No. 183): Defendant shall not commit any offense in violation of federal, state, tribal, or local law. Defendant shall advise the supervising pretrial services officer and defense counsel within 1 business day of any charge, arrest, or contact with law enforcement. Defendant shall not work for the United States government or any federal or state law enforcement agency, without the approval of a judicial officer and unless defendant first notifies the supervising pretrial services officer. Defendant shall comply with all conditions of supervision imposed by other courts.

Violation #2 (ECF No. 245): Defendant shall submit to random urinalysis and/or breathalyzer testing as directed by the United States Probation/Pretrial Services Office for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing up to six times per month.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On June 8, 2023, the undersigned officer reviewed the conditions of pretrial release supervision with Mr. Fisher. Mr. Fisher acknowledged an understanding of the release conditions at that time.

Violation #1: Joshua Fisher is alleged to have violated the conditions of pretrial release supervision by committing the offense of second degree assault strangulation on or about December 26, 2023.

The following information was gathered from Spokane Police Department report number 2023-20253290 and a statement of investigating officer, affidavit of facts.

On December 26, 2023, at approximately 5:16 p.m., an officer was dispatched to a residence in Spokane, Washington, for a report of domestic violence.

The caller advised she was a customer at a restaurant near that where the alleged domestic violence incident occurred and observed a male and female arguing at that location .

The officer proceeded to the residence where the alleged incident occurred and spoke to a neighbor who advised the alleged altercation was between the occupants in the other apartment, which is just below that unit. Subsequently, the officer went to that apartment and contacted a female who identified herself as the alleged victim. She appeared to be crying and was apprehensive to tell the officer what had occurred between her and her ex-boyfriend, Joshua Fisher. Two young children were also in the residence at the time of this police contact. She asked if she and the officer could speak outside her front door where she spoke with the officer.

The alleged victim advised the officer that she and Mr. Fisher had been in a relationship for a couple of months, which had recently become rocky. Earlier in the day, she and Mr. Fisher had been driving to a store. Mr. Fisher was driving the vehicle when they began to argue over money. Mr. Fisher reportedly became upset with the alleged victim and allegedly used his right hand to grab her and forcefully put pressure on her neck while pushing her head down near the center console. She

advised that Mr. Fisher was grabbing her neck so hard she felt like she was going to pass out. While his hand was on her neck, Mr. Fisher reportedly stated, "I need to get outta here, or ima ended up killing you." This lasted approximately 30 seconds until the alleged victim was able to get Mr. Fisher's hand off of her.

Once the vehicle was at a stop sign, the alleged victim was able to get out of the car. When she was getting out of the vehicle, Mr. Fisher attempted to grab her and get her back into the car. She was able to get away and began running in the opposite direction of Mr. Fisher's vehicle. She was able to stay out of sight until Mr. Fisher left the area.

The alleged victim then walked back to her residence and was contacted by Mr. Fisher again. She reportedly observed Mr. Fisher in her driveway, which is located south of her residence. The alleged victim then began hitting Mr. Fisher's driver's side window and yelling at him. Mr. Fisher was seated in the driver's seat of the vehicle. Mr. Fisher reportedly swung the door open and allegedly used both of his hands, one hand on each shoulder, and pushed the victim to the ground. He used one of his legs (unknown if right or left) and allegedly kicked the victim in her lower back while she was on the ground. The alleged victim was able to get up, go inside her residence and Mr. Fisher drove away. Mr. Fisher left the scene before law enforcement's arrival.

The investigating officer observed marks on the victim's neck consistent with her statement of being strangled by Mr. Fisher. Additionally, the officer observed bruising on the alleged victim's elbows and lower back from when she fell to the ground after allegedly being pushed by Mr. Fisher.

A domestic violence screening was also conducted by the officer. The alleged victim did not need medical attention at that time. She voiced concern that Mr. Fisher may retaliate if he found out this incident was reported to law enforcement.

Based on the above information, law enforcement determined there was probable cause to arrest Mr. Fisher for second degree assault strangulation.

On January 2, 2023, the U.S. Probation Office contacted the Spokane County Prosecutor's Office and confirmed that law enforcement submitted a request for charges against Mr. Fisher on December 30, 2023, which is currently under review.

Violation #2: Joshua Fisher is alleged to have violated the conditions of pretrial release supervision by failing to report for random drug testing at Pioneer Human Services on August 25, 2023; September 22, 2023; October 26, 2023; November 6, 2023; and December 6 and 18, 2023.

On June 8, 2023, the undersigned officer referred Mr. Fisher to the phase urinalysis testing program at Pioneer Human Services (PHS). Mr. Fisher was instructed to contact PHS on a daily basis to determine if he was required to submit to random drug testing.

Available records indicate Mr. Fisher failed to report to PHS on August 25, 2023; September 22, 2023; October 26, 2023; November 6, 2023; and December 6 and 18, 2023.

PRAYING THAT THE COURT WILL ORDER A WARRANT

I declare under the penalty of perjury
that the foregoing is true and correct.

Executed on: January 2, 2024

by Erik Carlson

Erik Carlson
U.S. Pretrial Services Officer

Re: Fisher, Joshua

January 2, 2024

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THE COURT ORDERS

- No Action
- The Issuance of a Warrant
- The Issuance of a Summons
- The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- Defendant to appear before the Judge assigned to the case.
- Defendant to appear before the Magistrate Judge.
- Other



Signature of Judicial Officer

1/02/2024

Date